

**COMMERCE AND ECONOMIC GROWTH
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Municipal Landfill Site Closure, Remediation and Redevelopment
Agreement Rules

Proposed Readoption Without Amendments: N.J.A.C. 12A:3

Authorized By: William D. Watley, Chief Executive Officer and Secretary,
Commerce and Economic Growth Commission.

Authority: N.J.S.A. 13:1E-116.1 et seq. (P.L. 1996, c.124), 52:27C-71(f)
and 52:27C-73(a), (h).

Calendar Reference: See Summary Below for explanation of exception to
calendar requirement.

Proposal Number: PRN 2003 431

Submit comments by December 19, 2003 to:

James Simmons, Brownfields Coordinator

New Jersey Commerce and Economic Growth Commission

20 West State Street

PO Box 820

Trenton, NJ 08625-0820

The agency proposal follows:

Summary

The New Jersey Commerce & Economic Growth Commission has reviewed these rules and has determined them to be necessary, reasonable, and proper for the purpose for which they were originally promulgated. Pursuant to N.J.S.A. 52:14B-5.1c and N.J.A.C. 12A:3, the proposed rules expires on March 19, 2004. The rules established the redevelopment agreement provisions of the Municipal Landfill Site Closure, Remediation and Redevelopment Program ("Program"), established by N.J.S.A. 13:E-116.1 et seq. are proposed without change. The Program provides funds to reimburse developers of qualifying projects, who have entered a redevelopment agreement pursuant to these

rules, in an amount equal to 75 percent of the closure and remediation costs associated with the redevelopment of an eligible municipal solid waste landfill. The Commission has reviewed the rules and determined them to be reasonable, necessary and proper for readoption. The rules set forth the application process for Program funding. The Commerce Commission is allowing a 60 day comment period for this notice of proposal, therefore, the proposal falls under the to N.J.A.C 1:30-3.3 (a)5 exception to the requirement for calendar notice.

Social Impact

The rules proposed for readoption governing the redevelopment agreement provisions of the Municipal Landfill Site Closure, Remediation and Redevelopment Program will have a positive social impact on the State by enabling the Department of Commerce and Economic Development to expand the portfolio of financial assistance programs that it can offer to businesses which are generating new employment in New Jersey. The reimbursement funds available through this Program will encourage economic development and job creation on the sites of former municipal landfills.

Economic Impact

It is expected that the rules proposed for readoption will have a positive economic impact on the State. The Program implemented by the rules assigns one-half of the sales taxes due and payable from new retail sales operations located within the project. The Program as structured should act as a stimulus to increase the revenues generated to the State by expanding its employment base. This expansion is expected to have a positive economic effect on the individuals affected as well as the State economy generally. The application requirements for Program funding may be met through the submission of material which has already been prepared by the applicant for other purposes and is needed during the ordinary conduct of business; therefore, no significant costs are anticipated to be incurred by applicants.

Federal Standards Statement

The rules proposed for readoption do not contain any standards or requirements which duplicate or exceed standards or requirements imposed by Federal law, as there are no standards found in Federal law. As a result, an explanation or analysis of the proposed rules pursuant to

Executive Order No. 27(1994) is not required.

Jobs Impact

As implementing the Program, the rules proposed for readoption are intended to foster economic development and the creation of new jobs in this State.

Regulatory Flexibility Analysis

The rules proposed for readoption can be expected to have a positive impact on small business, as the term is defined in the Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq., as well as larger businesses. The Department has no specific data at this time regarding the number of small businesses which may be affected. Any developer seeking to create a project on a qualifying former municipal landfill site in this State is free to make application to enter into a redevelopment agreement. The application requirements must be met by all applicants in order to determine eligibility. These requirements may be met through the submission of material which has already been prepared by the business for other purposes and is needed during the ordinary conduct of business;

therefore, no significant costs or any need for professional services are anticipated to be incurred by applicants. The number of brownfields and landfills requiring remediation, and the resulting demand for these services, vastly exceeds the number of businesses specializing in this service that are likely to form the pool of eligible applicants. Therefore, no special accommodation for small businesses is deemed necessary or appropriate. To provide an accommodation for small businesses by setting aside a portion of landfill remediation work for small businesses would only delay the slow pace of remediation of contaminated properties and would pose additional environmental risks to the general population.

Smart Growth Impact

The rules proposed for readoption will have no impact on the goals and objectives of smart growth and the implementation of the State Development and Redevelopment Plan.

Full text of the proposed readoption may be found in the New Jersey Administrative Code at N.J.A.C. 12A:3.